

**Matthew C. Smith (State Bar No. 276024)**

**Santana and Smith Law Firm, P.C.**

The Historic Winship Building

500 Second Street

Yuba City, CA 95991

TEL: (530) 822-9500

FAX: (530) 751-7910

Attorney for Defendant

Austreberto Santamaria-Valencia

**IN THE UNITED STATES DISTRICT COURT**

**FOR THE EASTERN DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

AUSTREBERTO SANTAMARIA-  
VALENCIA ,

Defendant.

Case No.: 2:21-CR-0079-TLN

STIPULATION AND ORDER TO  
EXCLUDE TIME

Date: September 23, 2021

Time: 9:30 a.m.

Hon. Troy L. Nunley

**STIPULATION**

1. By previous order, this matter was set for status on September 23, 2021.

2. By this stipulation, defendant. now moves to continue the status conference until December 2, 2021, at 9:30 a.m., and to exclude time between September 23, 2021, and December 2, 2021, under Local Code T4.

3. The parties agree and stipulate, and request that the Court find the following:

a.) The government has produced the discovery associated with this case

1 including, among other things, investigative reports, photographs, and video recordings.

2 b.) Counsel for defendant desires additional time to consult with his client, to  
3 review the current charges, to conduct an investigation and research related to the charges,  
4 to review discovery for this matter, to discuss potential resolutions with his client, and to  
5 prepare pretrial motions.  
6

7 c.) Defense counsel believes that failure to grant the above-requested  
8 continuance would deny counsel the reasonable time necessary for effective preparation,  
9 taking into account the exercise of due diligence.  
10

11 d.) The government does not object to the continuance.

12 e.) Based on the above-stated findings, the ends of justice served by continuing  
13 the case as requested outweigh the interest of the public and the defendant in a trial  
14 within the original date prescribed by the Speedy Trial Act.  
15

16 f.) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. §  
17 3161, et seq., within which trial must commence, the time period of September 23, 2021  
18 to December 2, 2021, inclusive, is deemed excludable pursuant to 18 U.S.C. §  
19 3161(h)(7)(A), B(iv) [Local Rule T4] because it results from a continuance granted by  
20 the Court at defendant's request on the basis of the Court's findings that the ends of  
21 justice served by taking such action outweigh the best interest of the public and the  
22 defendant in a speedy trial.  
23  
24

25 //

26 //

27 //

1           4.       Nothing in this stipulation and order shall preclude a finding that other provisions  
2 of the Speedy Trial Act dictate that additional time periods are excludable from the period  
3 within which a trial must commence.

4           IT IS SO STIPULATED.

5           Date: September 20, 2021

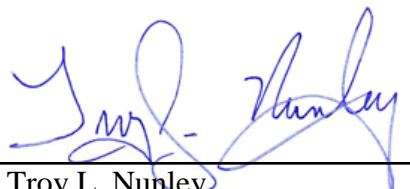
6                               /s/ Matthew C. Smith  
7                               MATTHEW C. SMITH  
8                               Attorney for Defendant  
                              Austreberto Santamaria-Valencia

9           Date: September 20, 2021

10                              /s/ James R. Conolly  
11                              James R. Conolly  
12                              Assistant United States Attorney

13   **FINDINGS AND ORDER**

14           IT IS SO FOUND AND ORDERED this 20<sup>th</sup> day of September, 2021.

15  
16  
17     
18  
19   \_\_\_\_\_  
20   Troy L. Nunley  
21   United States District Judge  
22  
23  
24  
25  
26  
27  
28